

Town of Wenham
BOARD OF SELECTMEN
Meeting of Tuesday, February 5, 2013~ 7 PM
Wenham Town Hall, 138 Main Street

Minutes Approved March 19, 2013

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk and delivered to all Board members, a meeting of the Board of Selectmen was held on Tuesday, February 5, 2013 at 7 PM in the Selectmen's Meeting Room in Town Hall.

With a quorum present, Ms. Martins called the Board of Selectmen meeting to order at 7:02 pm
Selectmen Present: Molly Martins, Chair; Patrick Wilson, Vice Chair; Ken Whittaker, Secretary
Also Present: Mark Andrews, Interim Town Administrator; Catherine Tinsley, Minutes Secretary

Public information
Agenda

Abbreviations
BOS Board of Selectmen
FinCom Finance & Advisory Committee
FY Fiscal Year
ATM Annual Town Meeting

Welcome and Overview of Agenda

Ms Martins took the agenda out of order to accommodate Representative Brad Hill and Senator Bruce Tarr's update regarding the Governor's proposed budget.

Representative Hill reported that the Town would likely see some increase in local aid for FY13 for both the schools and municipality.

He went on to talk about the Governor's new formula for FY14 to distribute unrestricted local aid saying the new formula favors large cities/towns and appears to penalize small communities with the bulk of the \$31 million going to cities. In the proposed budget, Wenham would receive \$13,000; this is significantly less than previous years. Representative Hill questioned if this formula would even be adopted by the House and Senate.

Representative Hill went on to say that although Chapter 70 funds are increased substantially in the proposed budget, the revenue for funding is through increased income and gas taxes, with a reduction of the sales tax. He cautioned that these revenues are volatile, unstable sources. In order to fund the Governor's proposed budget, \$871 million is needed to be raised through these (proposed) tax revenues; this amount is only for six months and doubles starting in the new year.

The Governor's plan also taxes on line purchases, and cuts many income tax credits. The leadership of the House is concerned with this proposal.

Senator Bruce Tarr arrived 7:11 pm and participated in the report.

He reviewed that there is no line item, no designated funds for such items such as MBTA (Mass Transit) and the School Building Assistance programs; this will be done through the proposed tax increases.

The BOS were cautioned to not to depend on the proposed budget figures for their budgets and to level fund everything until the House/ Senate passes the budget. If there are increases, money can be accepted at a Fall Town Meeting.

Regarding the Governor's proposal to regionalize Massachusetts' 244 housing authorities to 6 merged districts, this is not being looked upon favorably. Cape Ann has an action plan to defeat the proposal and the National Associations of Housing Redevelopment Officials (NAHRO) has a counter plan. The BOS were encouraged to meet with Wenham Housing Authority and send a letter opposing the Governor's plan and supporting NAHRO.

Senator Tarr stated that the current budget revenues are \$540 million dollars less than projected and current financial commitments are not being met. The Governor is proposing to withdraw from the stabilization fund and make cuts in local aid. He cautioned that the 9 C cuts allowed by the Governor, would affect regional transportation and circuit breaker funding. The FY14 proposed budget has a 7 % increase; Senator Tarr and Representative Hill are concerned that this is not sustainable. Senator Tarr noted that housing reform is most likely to happen, and reiterated his recommendation that the Towns to be proactive in this area..

In closing, he said towns are encouraged to regionalize services going forward.
Senator Tarr and Representative Hill answered questions from the Board.

Statements or Questions by Public Announcements

Public Input Meeting

Finance advisory Committee public input meeting for FY 2014 Budget - February 6, 2013 at Town Hall

HW Trash Reduction Plan – update

Wenham's Trash Reduction Program of composting / trash/ recycling has reduced total trash tonnage an additional 23 percent or 168 tons (88 tons compost/ 49 recycling/ 30 "mystery" tons). This reduces Tipping fees. Hamilton saw a 37 percent reduction of trash.

Residents were encouraged to use their organic bins to reduce costs to the town. Buffy Colt followed the truck and reported that 415 bins were placed curbside; 517 households did not use bins that week.

Mr. Wilson noted that Hamilton has sent out a survey regarding the trash reduction program and suggested Wenham consider a survey for feedback on the trash reduction program.

Nominations Papers time line

The 2013 annual Town Meeting is Saturday, April 6, 2013. The elections are being held separately this year on Thursday, April 11, 2013.

Nomination papers for elected positions are available at the Town Clerk's office in Town Hall until Tuesday, February 19, 2013 and must be submitted to the Town Clerk's office by February 21, 2013; residents have until March 8, 2013 to withdraw their papers.

Fund Raising for the Special Olympics – Chief Perkins

Present: Police Chief Perkins

Chief Perkins announced he is diving in to the Atlantic Ocean as part of a fund raising event for the Special Olympics on February 23, 2013. The money supports children to participate in the Special Olympics. Those people wanting to support the Chief can stop by the Police Station or go on line at www.polarplungma.org.

Appointments for Consideration for Boards and Committees

Long time serving Cemetery Commissioner, Dot Maciejowski, has resigned and was recognized and thanked for her many years of dedication and service. A Cemetery Commissioner is an elected, three-year position. The person filling Dot Maciejowski's seat will serve out the remainder of her term for one year. A three-year position will also be on the ballot. Cemetery Commissioner Rick Caves was present and told the BOS the Commission does not have a quorum and cannot function currently. He briefly talked about projects the Commission is involved in such as the repair of historical stones, buying back plots from people that have moved away, and maintenance work. The Commission meets once a monthly.

The Council of Aging has five vacancies for a three-year term. A full board has nine members. Sue Bannon was present and said she sent a letter of interest and has not heard back regarding her willingness to serve on the COA.

The Iron Rail Commission has three vacancies. The Commission maintains, repairs, protects, and plans for the use of the Iron Rail facility.

The Warrant for ATM was open and will close on February 15, 2013. All citizens' petitions must be submitted by 3 pm to the Town Administrator's office.

New Business

Town Government Study Committee – Report

Present: Committee members Eric Lustig, Chair, and Judy Leblanc; Paul Weaver participated remotely; Marty Pomeroy was recognized for being on the Committee but was not present; Selectman Whittaker serves as liaison to the Study Committee. Mr. Lustig began the presentation by clarifying that this is not about past or present employees, and not a reflection of employee's performance but rather about recommending changes going forward.

The presentation included:

Reviewed Committee Charge:

- Operation of Town Government to increase efficiency, streamline operations, reduce exposure to legal liability and save costs including:
- The responsibility of Town Administrator (TA) particularly with respect to day-to-day operations in providing town services
- Resolve questions of authority between independent boards and officials on the one hand, and the BOS and TA on the other
- Finance Director / Treasurer –Collector
- Consider whether it would be more efficient to appoint currently elected board / officials

The process of the Committee was to talk to employees, Board/ Committee members, other Town Managers (TM), former TA Jeff Chelgren, and Town Department Heads. The Committee worked with the law firm of Kopelman and Paige to draft a Special Act to reflect the proposals.

Key Findings

- It is important for the TA or TM to achieve great efficiency in the day to day (not policy making)
- Common rules and applications consistent across the town are desirable
- Employment administration is an important function of the TA/TM
- Financial accounting and cash flow reporting is essential
- Coordinating delivery of town services is the TA/TM's responsibility
- Negotiating collective bargaining and inter-municipal agreements should be primarily in the hands of the TA/TM
- The current Town Administrator lacks authority and clear responsibilities
- Lack of clarity of authority between BOS and TA/TM
- Inherent inconsistency in supervision and evaluation of the performance of elected / appointed positions
- Operation of Town Government is complex due to increased regulatory requirements as well as challenging budgetary times
- Trend among local Towns has been to move to a town manager model

Recommendations:

- 1) The BOS should decide matters of Town policy and provide oversight of the TA.
- 2) The TA oversees all operational functions of the Town. Operational includes the delivery of services to the residents as well as rules and policies of common application
- 3) Independent elected boards – continue to be elected and should be responsible for setting policy in their area of statutory responsibility. Operational / personnel matters should be under the oversight of the TA.
- 4) Independently Elected offices of Town Clerk and Tree Warden - which provide service rather than policy, should be appointed and subject to oversight of the TA / BOS

Highlights of proposed Special Act:

- Delegate's specific operating authority to the office of Administrative Officer (AO).
- Discretion to appoint all Department Heads except Fire/ Police Chief/ DPW /Finance Director / Treasurer –Collector. Appointments are to be confirmed by BOS
- Supervise and oversee hiring and termination of all town employees including those dedicated to departments under independent elected boards
- Administrative Officer has authority to coordinate operations between and among all Town Departments and resolve operational questions of Department Heads
- Reserves to the BOS the decision whether to title AO as TA or TM – The BOS to appropriately match qualifications and compensation.
- Exercise statutory option to convert the elected positions of Town Clerk and Tree Warden to full formal employed positions appointed by the AO – preserves existing terms of elected positions
- BOS to decide position of Finance Director or designate full time Treasurer / Collector as senior finance department head for the Town

- Restates statutory scope of authority of the BOS over general executive operation and strategic direction of the Town
- Establish the authority of BOS to set and oversee rules of common application for operation across all Town Departments and of the AO to coordinate compliance with such rules by all departments/ committees

Mr. Weaver reviewed the process of enactment saying – BOS would have warrant article for ATM to incorporate the Special Act (which will serve as a mini charter for the town)

It would then go to legislator through Senator, State Representative and if it passes House/ Senate, it goes before the Governor to be signed. The final step is a ballot election by majority of voters to accept the enactment. A successful ballot initiative completes the acceptance and legal effect of the mini charter.

Public Hearings will be scheduled regarding the recommendations of the Government Study Committee.

The special act draft will be posted on the web site for public review prior to the Public Hearings.

The BOS have the ability to edit the warrant article for the Special Act up to the Town Meeting.

Recommend Part Time Officers / Matron Appointment

Present: Police Chief Perkins

Chief Perkins reviewed that these appointments concludes the process for the hiring of reserve / part time officers that was approved at the 2012 ATM.

The part time police force was restructured for efficiency and now consists of an Administrative Division, Patrol Division, and Reserve Divisions. He reviewed that these are per diem positions, with no benefits, and a small uniform allowance.

By law, these officers must go through the academy. This is self paid, on a part time basis over a period of 8 months. He noted that four of the people recommended have already been through the academy and are fully trained.

The Reserve Officers will ride with a full time officer during training.

VOTE: Mr. Whittaker moved to appoint the following personnel as part time officers for the Wenham Police Department as recommended by Chief Perkins:

Jenna DiGianvittorio
Michael Chandler
Jose Santiago
Neil Comeau
William Agganis
Shawn Tinsley
Daniel Divencenzo

Mr. Wilson seconded and the motion carried unanimously.

Chief also asked that the BOS appoint the three Matrons as recommended. This is also a per diem, on-call position to be exercised when a female prisoner is in the custody of the Police Department. These people completed in-house training.

VOTE: Mr. Whittaker moved to appoint the following people as Matrons for the Wenham Police Department as recommended by Chief Perkins:

Noelle Bowie Pierce
Mia Cefalo
Catherine Tinsley

Mr. Wilson seconded and the motion carried unanimously.

State Budget FY 2014

Ms. Martins reviewed that the Finance Committee is charged with recommending the Town's budget at the annual Town Meeting. They are meeting regularly and working diligently on the budget.

Ms. Martins stated that it is important for the BOS / TA to review all budgets and provide comment and guidance to the Finance Committee during this process and suggested this be one of the BOS goals.

She went on to talk about the importance of reviewing and supporting operations and providing best possible municipal and educational services to the town going forward. Mr. Wilson supported best practices going forward to ensure the outcome of providing services at a cost that provides greatest value and to support the FinCom. He added that after reviewing the recent budget summary sheet, based on departmental requests. The summary identifies a tax rate of \$19.50 with a levy limit of \$70,000. He commented that this is not going to work for the town going forward and the policy to aim for is a rate that is below \$19.00 and as close to the current tax rate while maintaining the quality of services.

Mr. Whittaker also supported the FinCom and noted concern where the budget is going and to work with the Finance Committee.

Mr. Andrews will work with Catherine Harrison, Chair of the FinCom and attend the next FinCom meeting to provide input on the departmental budget recommendations and services. If some recommendations are policy based and support is needed to implement, that the BOS will review and if possible support these initiatives.

Reports

Town Administrator

The Baystate Municipal Accounting is working closely with Administration, Department Heads, and the Finance Committee. A Department Head meeting is scheduled for Friday February 8, 2013.

Mr. Andrews is a member of the Financial Advisory Committee for the Regional Emergency Communication Center (RECC). It was agreed to form a *Review of Committees* to outline a deliberative process for other communities to apply for and join the RECC after the center is up and running.

Mr. Andrews was asked to confirm definitive start up dates and work closely with Hamilton during this transition to ensure there is no impact to services.

Chairman

The BOS adopted policy under Open Meeting Law to allow remote participation. An informational seminar was well attended. Another seminar will be scheduled. Mr. Andrews said that better speakerphones are being considered to facilitate remote participation.

Ms. Martins noted that the BOS only have four meetings before the Annual Town Meeting in April. The BOS will meet, February 19, March 5 & 9, and April 2, 2013.

Minutes

The BOS meeting minutes of January 22, 2013 were held for review; no action was taken.

VOTE: Mr. Whittaker moved to adjourn at 8:59 pm and it was unanimous to do so.

Respectfully submitted by

Catherine Tinsley